IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 20158 of 2004

Between:

1 Mohd.Maslehuddin, s/o late Mohd.Mazharuddin,
r/o H.No.11-80, Bheemgal Post and Mandal, Nizamabad District.
2 Mohd.Abdul Haleem, s/o late Mohd.Mazharuddin,
r/o H.No.11-80, Bheemgal Post and Mandal, Nizamabad District.

..... PETITIONERS

AND

1 The Principal secretary, Govt. of Andhra Pradesh,
Panchayat Raj & Rural Development (PTS.III) Dept., Secretariat, Hyderabad.
2 The District Panchayat Officer, Nizamabad.
3 The Secretary Gram Panchayat, Bhjeemgal Mandal & Village, Nizamabad.
4 Mohd Masood Ali, s/o Dhundisab,
r/o Bheemgal Village & Mandal, Nizamabad District.
5 Mohd.Saleem, s/o Mahmood,
r/o Bheemgal Village & Mandal, Nizamabad District.
6 Sadullah s/o Mahamood,
r/o Bheemgal Village & Mandal, Nizamabad District.
7 Md.Yousuf, s/o Raj Mohd,
r/o Bheemgal Village & Mandal, Nizamabad District.
8 Md.Khaja Moinuddin, s/o Raj Mohd,
r/o Bheemgal Village & Mandal, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly in the nature of writ of mandamus declaring the proceedings of the 1st respondent vide order No.10935/PTS.III/A3/2004-1 dated 28-10-2004 as being illegal, arbitrary and unconstitutional.

Counsel for the Petitioners:MR.S.NIRANJAN REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.3:SMT.G. JYOTHI ESWAR, SC FOR GRAM PANCHAYAT

The Court at the stage of admission made the following :

ORDER

Against the order dated 5.12.2002 passed by the third respondent granting building permission to the petitioners, respondents 4 to 6 filed an appeal before the second respondent and the same was dismissed on 1.4.2004. Aggrieved by the same, respondents 4 to 6 filed a revision before the first respondent. Pending the revision, by the impugned order dated 28.10.2004 the first respondent kept in abeyance the order passed by the second respondent. Questioning the same, the present writ petition is filed.

Since the impugned order passed by the first respondent is only an interim order, the petitioners can approach the first respondent with necessary application for either to vacate the impugned order or to dispose of the revision itself at an early date. If any such application is filed, the first respondent shall make an endeavour to dispose of the same within a period of two months thereafter. I see no grounds to entertain the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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A. GOPAL REDDY,J

Tsr.

To

1 The Principal secretary, Govt. of Andhra Pradesh,
Panchayat Raj & Rural Development (PTS.III) Dept., Secretariat, Hyderabad.
2 The District Panchayat Officer, Nizamabad.
3 The Secretary, Gram Panchayat, Bhjeemgal Mandal & Village, Nizamabad.
4 Two C.Cs. to the Government Pleader for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.